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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION This Document Relates Only To: *Shubert v. Bush,* **(Case No. 07-00693**)	**No. M:06-cv-01791-VRW** **STIPULATION AND ~~PROPOSED~~ ORDER TO EXTEND BRIEFING AND HEARING SCHEDULE IN SHUBERT V. BUSH, CASE NO. 07-00693** Courtroom: 6, 17th Floor Judge: Hon. Vaughn R. Walker

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RECITALS

1. *Shubert v. Bush*, (Case No. 07-00693), is one of the actions pending in this multi-district litigation proceeding, transferred by order of the Judicial Panel on Multi-district Litigation from the United States District Court for the Eastern District of New York. This case has been brought against officials of the United States Government in both their official and individual capacities (including President Bush, former Deputy Director of National Intelligence Michael V. Hayden, NSA Director Keith B. Alexander; Attorney General Alberto Gonzales; and former Attorney General John Ashcroft) and challenges alleged intelligence activities of the National Security Agency. *See Shubert* Class Action Complaint, ¶¶ 9-13 and ¶¶ 104-107 (Fourth Cause of Action *Bivens/*Fourth Amendment Claims) (Docket for 07-693, No. 1, Part 1).

2. On March 20, 2007, the Court entered an Order setting a schedule for briefing and a hearing on a dispositive motion and any assertion of the military and state secrets privilege by the Government. *See* Docket No. 2 for 07-693. Under that schedule, the Government's state secrets privilege assertion and dispositive motion is due on May 18, 2007; Plaintiffs' opposition is due on June 29, 2007; the Government's reply is due on July 20; and a hearing is scheduled for August 16, 2007.

3. The Government and the *Shubert* Plaintiffs have reached agreement on and seek the Court's approval of a short extension of the current briefing and hearing schedule. Under the proposed revised schedule, the Government's opening brief would be due on May 25, 2007; Plaintiffs' opposition would be due on July 13, 2007; and the Government's reply would be due on August 3, 2007.

4. Finally, to provide 14 days between the conclusion of briefing and any hearing as required by Local Rule 7-3(c), and to accommodate the unavailability of Government counsel during the week of August 13-17, 2007, the Government and Plaintiffs propose that a hearing on the Government's dispositive motion be reset for Thursday, August 30, 2007 at 2 p.m., or as soon thereafter as the Court is available. This request to extend the hearing date complies with Local Rule 6-1(b) (stipulated request to extend hearing date must be filed no later than 10 days before the scheduled hearing).

STIPULATION

Plaintiffs, through their undersigned counsel, and the Government, through its undersigned counsel, hereby stipulate to the following schedule and request that the Court make this stipulation an order of the Court:

1. On or before May 25, 2007, the Government will file a dispositive motion in *Shubert v. Bush*, Case No. 07-693.
2. On or before July 13, 2007, Plaintiffs in *Shubert* will file an opposition to the Government's dispositive motion.
3. On or before August 3, 2007, the Government will file a reply brief in support of its dispositive motion.
4. On August 30, 2007 at 2 p.m., or at another time thereafter convenient to the Court, oral argument will be held on the Government's dispositive motion.

DATED: May 9, 2007

Respectfully Submitted,

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By: */s Anthony J. Coppolino*
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DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, ANTHONY J. COPPOLINO, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from each of the other signatories listed below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 9, 2007, in the City of Washington, District of Columbia.

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Attorneys for Plaintiffs

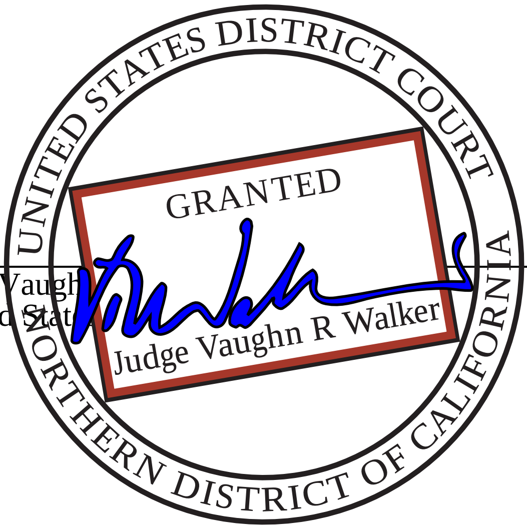
~~[PROPOSED]~~ ORDER

Pursuant to the foregoing stipulation, and good cause appearing, it is hereby ORDERED that:

1. On or before May 25, 2007, the Government will file a dispositive motion in *Shubert v. Bush,* Case No. 07-693.
2. On or before July 13, 2007, Plaintiffs in *Shubert* will file an opposition to the Government's dispositive motion.
3. On or before August 3, 2007, the Government will file a reply brief in support of its dispositive motion.
4. On August 30, 2007 at 2 p.m., or at another time thereafter convenient to the Court, oral argument will be held on the Government's dispositive motion.

IT IS SO ORDERED.

Dated: May 11, 2007.


UNITED STATES DISTRICT COURT
GRANTED
Judge Vaughn R Walker
NORTHERN DISTRICT OF CALIFORNIA

Hon. Vaugh
United Stat